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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/039,687      | 10/25/2001  | Robert Muir          | 13625/003001/106697 | 9508             |

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FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,687

Applicant(s)

MUIR, ROBERT

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The amendment filed March 17, 2004 has been received and considered. By this amendment, claims 1-31 are now pending in the application.

1. This application is in condition for allowance except for the following formal matters:

#### *Claim Objections*

2. Claims 2, 4, 13-18, 20-21, 24-25 objected to because of the following informalities:
  - a) In claim 2, line 2, the claimed limitation "non-varying parts" should be corrected to "the non-varying parts".
  - b) In claim 4, lines 2-3, the claimed limitation "the relevant simulated three-dimensional parts" should be corrected to "the simulated three-dimensional additional parts".
  - c) In claim 13, lines 3-4, the claimed limitation "the image alpha channel" should be corrected to "the alpha-channel values".
  - d) In claim 14, line 3, the claimed limitation "the original image" should be corrected to "the animation image".
  - e) In claim 14, line 4, the claimed limitation "elements" should be corrected to "objects".
  - e) In claim 15, line 3, the claimed limitation "the real-time parts" should be corrected to "the non-varying parts".
  - f) In claim 16, line 3, the claimed limitation "this surface" should be corrected to "the pure white surface".

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- g) In claim 16, lines 3-4, the claimed limitation “the real-time ... in the final output” should be corrected to “real-time ... in a final output”.
- h) In claim 17, lines 3-4, the claimed limitation “combined with the at least” should be corrected to “combined with at least”.
- i) In claim 18, lines 4 and 5; and claim 20, line 2, the claimed limitation “a game” should be corrected to “the game”.
- j) In claim 18, line 5, the claimed limitation “displaying image” should be corrected to “displaying an image”.
- k) In claim 21, lines 2-3, the claimed limitation “the relevant simulated” should be corrected to “the simulated”.
- l) In claim 24, line 2; and claim 25, line 4, the claimed limitation “z-buffer data” should be corrected to “Z-buffer depth value”.
- m) In claim 30, line 3, the claimed limitation “image alpha channel” should be corrected to “alpha channel values”.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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*Allowable Subject Matter*

3. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a gaming machine comprising a controller for controlling a game played on the gaming machine; a display for displaying images relating to the game and a game outcome; a storage device for storing data relating the non-varying parts of an image, the non-varying parts of the image being independent of the game outcome; an image generating means for generating simulated three-dimensional additional parts of the image, the additional parts being dependent on the game outcome; and a compositing means for merging the non-varying parts of the image and the additional parts of the image to provide a player a composite image relating to the game outcome.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

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Date: May 28, 2004